United Nations A/C.3/68/SR.54

General Assembly
Sixty-eighth session

Official Records

Distr.: General
20 January 2014

Original: English

Third Committee

Summary record of the 54th meeting
Held at Headquarters, New York, on Wednesday, 27 November 2013, at 3 p.m.

Chair: Mr. Tafrov ..... (Bulgaria)

Contents

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

Agenda item 69: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Agenda item 65: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*)

Agenda item 64: Report of the Human Rights Council (*continued*)

Agenda item 69: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Agenda item 122: Revitalization of the work of the General Assembly

Completion of the work of the Third Committee

This record is subject to correction. Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Control Unit (srcorrections@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org/).

13-58626 (E)

Please recycle

The meeting was called to order at 3.45 p.m.

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (continued)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/C.3/68/L.69/Rev.1)

Draft resolution A/C.3/68/L.69/Rev.1: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

1. **The Chair** said that the draft resolution had no programme budget implications.

2. **Ms. Rokovucago** (Fiji), speaking on behalf of the Group of 77 and China, said that the draft resolution emphasized the need for greater political will, adequate funding and international cooperation to address racism, racial discrimination, xenophobia and related intolerance. Reading out a number of oral revisions, she said that, in the eighth preambular paragraph, the phrase "non-governmental organizations" should be deleted and replaced by "civil society". In the second line of paragraph 9, the phrase "prepare a report on its work for submission to" should be deleted and replaced by "share a report on its work with". In paragraph 24, the word "encouraging" should be inserted before the phrase "eminent personalities active in the field of racial discrimination" in the penultimate line, and the phrase "in accordance with the rules of procedure of the General Assembly and the Human Rights Council respectively" should be inserted at the end of the paragraph.

3. **Ms. Sharma** (Secretary of the Committee) said that the Russian Federation had become a sponsor of the draft resolution.

4. **Ms. Furman** (Israel) said that in the course of its 3,000-year history, her nation had known the evils of racism all too well. However, instead of fulfilling the promise of uniting the world in the struggle against racism, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, had been hijacked by a small group of States for the purpose of demonizing and delegitimizing the State of Israel. The majority had stood by in silence while a conference entrusted with the mission of countering racism became a vehicle for exactly the opposite. In the face of the resulting hatred, anti-Semitism, intolerance and prejudice, Israel had been forced to withdraw from the Durban Conference and to refrain from participating in the 2009 Durban Review Conference and the 2011 High-level Meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action. Although the draft resolution contained elements that would have been positive in their own right, its core remained the Durban Declaration and Programme of Action, which was tainted by politicization. For that reason, her delegation was calling for a vote on the draft resolution and would vote against it.

Statements made in explanation of vote before the voting

5. **Ms. Kazragienė** (Lithuania), speaking on behalf of the European Union, said that her delegation regretted the lack of inclusivity and transparency in the production of the draft resolution. Although it welcomed the brevity of the text, it would have preferred more focus on certain core messages on which all Member States could have agreed.

6. The international community should concentrate on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, which was the basis for all efforts to eradicate racism, and was sufficiently comprehensive to render complementary standards unnecessary. The European Union would work with the United Nations on the informal preparatory process for the International Decade for People of African Descent, without prejudging the outcome of the consultations.

7. The independence of the Office of the United Nations High Commissioner for Human Rights (OHCHR) should be respected, and the Office's Anti-Discrimination Section should not focus solely on racial discrimination to the exclusion of other forms of discrimination. Proliferation and duplication should be avoided in the Durban follow-up processes by revitalization of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, the mandating of new meetings and an increase in funding. The resources devoted to those processes, however, would be better used to fight racism on the ground. Global efforts for the elimination of racism would succeed only if the international community worked together; that shared goal had not been reflected in the

negotiations. The European Union's proposals had not been accepted, and its Member States were therefore unable to support the draft resolution.

8. **Ms. Wyss** (Switzerland), speaking also on behalf of Iceland, Liechtenstein and Norway, said that the informal negotiations on the draft resolution had not allowed for sufficient discussion of those delegations' concerns, few of which had been reflected in the text. Those delegations regretted the inclusion of a reference to the acknowledgement by the Human Rights Council of gaps in the International Convention on the Elimination of All Forms of Racial Discrimination, because the Council had not reached agreement on the matter. They were concerned about paragraphs which infringed on the independence of OHCHR. Although the international community should ensure the implementation of the Durban Declaration and Programme of Action, the fight against racism was primarily a State responsibility and measures to counter discrimination should therefore be taken at the national level. Lastly, the follow-up activities called for in the draft resolution, which had budgetary implications, did not contribute to the struggle against racism. Those delegations would therefore be compelled to abstain.

9. **Ms. Robl** (United States of America) said that her country's opposition to racism and racial discrimination was rooted in some of the most tragic chapters of its history. Her delegation was concerned about speech which advocated national, racial or religious hatred, but remained convinced that the best attitude to offensive speech was not bans and punishments but robust legal protection against discrimination and hate crimes, proactive government outreach to racial and religious communities, and the protection of freedom of expression. The draft resolution would prolong the divisions caused by the Durban Declaration and Programme of Action and the outcome of the 2009 Durban Review Conference rather than helping the international community to combat racism and racial discrimination. Her delegation was concerned by the reference to the finalization of the draft Programme of Action for the International Decade for People of African Descent by the Working Group of Experts on People of African Descent, because the new instruments and programmes proposed in the draft Programme of Action would do little to advance the needs of such individuals. The additional costs incurred by the draft resolution would need to be met from the United Nations regular budget. Given the significant constraints on that budget and Member States' limited ability to provide resources, her delegation urged the Committee to carefully consider the resource implications of such requests. It would vote against the draft resolution.

10. *At the request of the representative of Israel, a recorded vote was taken on draft resolution A/C.3/68/L.69/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Czech Republic, France, Germany, Israel, Palau, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Tonga, Ukraine.

11. *Draft resolution A/C.3/68/L.69/Rev.1, as orally revised, was adopted by 126 votes to 9, with 46 abstentions.*

12. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Committee on the Elimination of Racial Discrimination on its eighty-first and eighty-second sessions (A/68/18), the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/68/564) and the report of the Secretary-General on how to make the International Decade for People of African Descent Effective (A/67/879).

13. *It was so decided.*

Agenda item 69: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/68/L.48/Rev.1 and A/C.3/68/L.49/Rev.1)

Draft resolution A/C.3/68/L.48/Rev.1: Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief

14. **The Chair** said that the draft resolution had no programme budget implications.

15. **Ms. Sharma** (Secretary of the Committee) said that the United Republic of Tanzania was no longer a sponsor of the draft resolution.

16. **Ms. Hassan** (Djibouti), speaking on behalf of the Organization of Islamic Cooperation (OIC), said that Brazil, New Zealand, Thailand and Uruguay had become sponsors of the draft resolution. Only minor updates had been made to the text adopted by consensus at the sixty-seventh session. She read out oral amendments to the twenty-first preambular paragraph, in which the phrase "Welcoming the ongoing work of the United Nations Educational, Scientific and Cultural Organization, as well as the United Nations Alliance of Civilizations" should be deleted and replaced by "Welcoming the leading role of the United Nations Educational, Scientific and Cultural Organization in promoting intercultural dialogue, as well as the work of the United Nations Alliance of Civilizations".

17. *Draft resolution A/C.3/68/L.48/Rev.1, as orally revised, was adopted.*

18. **Ms. Kazragienė** (Lithuania), speaking on behalf of the European Union, said that the draft resolution was a call for States to respond to acts of intolerance on the basis of international law. The European Union was concerned about the text's lack of clarity regarding the need for States to combat religious intolerance by sharing best practices in overcoming community differences and protecting the rights of individuals. It would continue to condemn violence based on religion and the advocacy of religious hatred to incite discrimination, but expressed its strong attachment to freedom of expression. Freedom of religion was linked to freedom of expression and other human rights which contributed to democratic societies. The international community should consolidate its response to those who sought to use religion to fuel extremism. As freedom of expression was essential to countering religious hatred, restrictions on that freedom could undermine efforts to combat intolerance and should be proportionate and as light as possible in order to comply with article 19, paragraph 3, of the International Covenant on Civil and Political Rights.

19. While dialogue was invaluable, those participating in it were individuals; a reference in the draft resolution to a more inclusive concept of diversity, noting that each individual had multiple sources of identity, would therefore have been desirable. An effective fight against intolerance called for all aspects of diversity to be taken into account, as stated in the United Nations Educational, Scientific and Cultural Organization (UNESCO) Universal Declaration on

Cultural Diversity. Such diversity should not be invoked in order to infringe human rights.

20. As stated in the draft resolution, religious hatred was primarily a threat to individual freedoms at the local and national levels, and States and local authorities were thus primarily responsible for combating intolerance and safeguarding individual rights, in particular those of minorities.

21. The European Union condemned attacks on religious sites. Everyone should enjoy freedom of worship without fear of intolerance and attacks.

22. The draft resolution drew attention to the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue in Vienna. The European Union welcomed the references to other relevant bodies, in particular UNESCO, which was the main United Nations agency for the promotion of intercultural dialogue, the United Nations Alliance of Civilizations and the Anna Lindh Foundation. Those references should be included in all resolutions designed to follow up on Human Rights Council resolution 16/18. Combating intolerance was a core value of the States members of the European Union, which had therefore joined the consensus.

23. **Mr. Nina** (Albania) said that his delegation had joined the consensus on the draft resolution but was concerned about the increase in violence against and intolerance of individuals on the basis of religion or belief. In future, the negotiations on the draft resolution should be concluded earlier to ensure its timely adoption. The differences of opinion on several issues could be resolved only through dialogue, and the international community should now focus on actions to implement the draft resolution.

A/C.3/68/L.49/Rev.1: Freedom of religion or belief

24. **The Chair** said that the draft resolution had no programme budget implications.

25. **Ms. Kazragienė** (Lithuania), speaking on behalf of the European Union, said that Costa Rica, Côte d'Ivoire, Israel, New Zealand, Papua New Guinea, the Philippines, the Republic of Moldova, San Marino, Thailand, Turkey and Ukraine had become sponsors of the draft resolution. States should intensify their efforts to promote freedom of religion or belief by implementing recommendations emanating from the universal periodic review. Reading out oral amendments to the draft resolution, she said that in the fourth preambular paragraph the phrase "in particular its General Comment on the right to freedom of thought, conscience and religion" should be deleted. The order of paragraphs 5 and 6 should be reversed. In paragraph 13 (a), the phrase "in particular those occurring in countries experiencing conflict" should be deleted. In paragraph 14 (a), the phrase "choose and" should be inserted after the phrase "the right to freely" in the penultimate line and the phrase "including the right to change one's religion or belief" should be deleted. In paragraph 19, the phrase "on the relationship between freedom of religion or belief and equality between men and women" should be deleted.

26. **Ms. Sharma** (Secretary of the Committee) said that the Dominican Republic and Uruguay had become sponsors of the draft resolution.

27. *Draft resolution A/C.3/68/L.49/Rev.1 was adopted.*

28. **Ms. Hassan** (Djibouti), speaking on behalf of the Organization of Islamic Cooperation, reiterated the concerns of OIC members about the report of the Special Rapporteur on freedom of religion or belief (A/68/290), in particular its lack of evidence for the link between freedom of religion or belief and gender equality. The Organization was committed to equality between men and women, to women's rights, as demonstrated in the OIC Plan of Action for the Advancement of Women, and to women's freedom of religion or belief. In future, the negotiations on the draft resolution should be more transparent, collaborative and equitable in order to ensure its timely adoption.

29. **The Reverend** Justin **Wylie** (Observer for the Holy See) said that his delegation had a reservation regarding paragraph 19 of the draft resolution, because the report of the Special Rapporteur on freedom of religion or belief far exceeded the scope of the Special Rapporteur's mandate and contained assertions based not on international law but on the Special Rapporteur's personal opinions. The informal negotiations had been characterized not by the Committee's long-standing practice of multilateral consensus-building but by inadequate consultation and a reluctance to engage with views differing from those of the sponsors or to reflect the positions of sovereign States. That approach boded ill for an institution founded on multilateral diplomacy.

30. **Mr. Elbahi** (Sudan) said that his delegation objected to the reference in paragraph 1 to the right to change one's religion or belief.

31. *The meeting was suspended at 4.35 p.m. and resumed at 5.45 p.m.*

Agenda item 65: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/68/267, A/68/269, A/68/274 and A/68/275; A/C.3/68/L.28/Rev.1)

32. **The Chair** suggested that the Committee should take note, in accordance with the annex to General Assembly decision 55/488, of the report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/68/267), the report of the Special Representative of the Secretary-General on Violence against Children (A/68/274), the note by the Secretary-General transmitting the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/68/275) and the report of the Secretary-General on the follow-up to the special session of the General Assembly on children (A/68/269).

33. *It was so decided.*

Draft resolution A/C.3/68/L.28/Rev.1: Rights of the child

34. **The Chair** said that the draft resolution had no programme budget implications.

35. **Ms. Hampe** (Lithuania), speaking on behalf of the European Union and a group of Latin American and Caribbean States, said that Benin, Canada, Equatorial Guinea, Georgia, Iceland, Japan, Kazakhstan, Kyrgyzstan, Lebanon, Liberia, Mali, Monaco, Mongolia, Morocco, New Zealand, Switzerland, Togo and Ukraine had become sponsors of the draft resolution. The sponsors hoped that the draft resolution would provide the basis for the Committee's consideration of the agenda item on the promotion and protection of the rights of the child and for its deliberations at the sixty-ninth session of the General Assembly on the theme "Progress achieved and challenges to protect children from discrimination and to overcome inequalities in the light of the twenty-fifth anniversary of the adoption of the Convention on the Rights of the Child".

36. Reading out oral revisions, she said that in the twelfth preambular paragraph the phrase "climate change" should be inserted after the words "environmental damage". In paragraph 2, the word "ministers" should be deleted and replaced by "ministries and/or departments". The word "recent" and the phrase "Nos. 14 to 17" should be deleted from paragraph 7. In the second line of paragraph 9, the word "gender" should be deleted and replaced by "sex".

37. The following new paragraph should be added after paragraph 9: "Concerned that children with disabilities, particularly girls, are often at greater risk, both within and outside the home, of physical or mental violence, injury or abuse, neglect or negligent treatment and maltreatment or exploitation, including sexual abuse".

38. In paragraph 10 (a), the phrase "human rights and fundamental freedoms" should be deleted and replaced by "civil, political, cultural, economic and social rights". The phrase "without discrimination" should be deleted from the fourth line of paragraph 10 (d). In paragraph 11, the phrase "and their right to be heard" should be inserted after "to express themselves freely", and the phrase "including by setting up safeguards and mechanisms for ensuring the right to be heard" should be deleted.

39. In the third line of paragraph 24 (a), the phrase "any risk" should be deleted and replaced by "all forms". The following new paragraph 24 (c) should be inserted: "To ensure that the right to the highest attainable standard of physical and mental health, including sexual and reproductive health, is fully realized for all children by giving full attention to all health needs of children, through providing information, health-care services and comprehensive, evidence-based education on sexual and reproductive health, human rights and gender equality, consistent with their evolving capacities and the appropriate direction and guidance from parents or legal guardians, in accordance with the rights, needs and best interests of the child, free of discrimination and on an equitable and universal basis".

40. In paragraph 32, the phrase "in this regard encourages States to ensure full implementation of the Declaration and" should be deleted and replaced by "urges States to". In paragraph 33 (h), the word "traditional" should be deleted.

41. The following new paragraph should be inserted after paragraph 39: "Reaffirms the right of the child to

express his or her views freely in all matters affecting him or her, as well as the rights of the child to freedom of association, to freedom of expression and to freedom of peaceful assembly".

42. In paragraph 50, the phrase "corporal punishment" should be deleted and replaced with "emotional or physical violence or any other humiliation or degrading treatment", and the phrase "access to open space for recreation" should be inserted in the seventh line.

43. The following new paragraph should be inserted after paragraph 52: "Encourages continued regional and cross-regional efforts, the sharing of best practices and the provision of technical assistance in the field of juvenile justice and notes in this regard the initiative to convene a world congress on juvenile justice in Geneva from 26 to 30 January 2015".

44. Paragraph 54 should now read: "Acknowledges that a parent's deprivation of liberty, sentencing to death or life imprisonment has a serious impact on children's development and urges States, in the framework of their national child protection efforts, to provide the assistance and support these children may require".

45. In paragraph 55 (a), the word "remedy" should be deleted after "effective" and the words "to provide remedy" should be inserted after "protection and rehabilitation". In the penultimate line of paragraph 55 (i), the words "harmful traditional practices" should be deleted. The word "education" should be deleted from the fifth line of paragraph 60 (d).

46. In paragraph 67, the word "States" should be deleted and replaced by the phrase "all parties". At the end of paragraph 68 (a), the phrase "with a focus on progress achieved and challenges to protect children from discrimination and to overcome inequalities in light of the twenty-fifth anniversary of the adoption of the Convention on the Rights of the Child" should be inserted. In paragraph 68 (f), the phrase "a new theme" should be deleted and replaced by "the theme "Progress achieved and challenges to protect children from discrimination and to overcome inequalities in the light of the twenty-fifth anniversary of the adoption of the Convention on the Rights of the Child"."

47. **Ms. Sharma** (Secretary of the Committee) said that Antigua and Barbuda, Azerbaijan, Belize, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia and Trinidad and Tobago were no longer sponsors of the draft resolution, and that Madagascar, the Philippines and the Republic of Moldova had become sponsors.

48. **Ms. Boissiere** (Trinidad and Tobago), speaking also on behalf of Belize, Guyana, Jamaica and Saint Lucia, said that those States had taken many steps to promote and protect children's rights. The family was the fundamental unit of society and the natural environment for the growth and well-being of children, who needed special safeguards and care, including legal protection, before and after birth. Those Governments had therefore implemented legislative frameworks and initiatives to protect children's rights. They recognized the importance of promoting and protecting all human rights for children in accordance with national legislation and international obligations such as those contained in the Convention on the Rights of the Child. Children had the right to the highest attainable standard of health and health-care services.

49. Although those delegations agreed that adolescents and youth required access to sexual and reproductive health services in accordance with their evolving capacities, with appropriate guidance and direction from parents and legal guardians, the wording of paragraph 24 (c) was too broad and was inconsistent with their Governments' national policies and regulations. They could not therefore remain sponsors, although they had hoped that the draft resolution would be fully supported by the General Assembly, including through sponsorship, and remained committed to the protection and promotion of children's rights.

50. *Draft resolution A/C.3/68/L.28/Rev.1, as orally revised, was adopted.*

51. **Mr. Kumar** (India) said that his delegation was disappointed with the conduct of the negotiations on the draft resolution, the lack of consultation, the failure to take into account the legitimate concerns of Member States and the introduction of new paragraphs at the last stage, leaving no time for substantive exchanges of views. It had a reservation about paragraph 54, in which the negative effects on children of the loss of a parent through capital punishment were specifically mentioned even though, statistically, many more children lost parents to road accidents, terrorist acts, natural disasters, war and criminal activity than through such punishment. His delegation's proposals on the matter, however, had not been considered. The draft resolution had no bearing on capital punishment,

the demand for the abolition of which was ideologically driven. Such punishment was not illegal under international law, and States which permitted it must ensure due process of law, the provision of all requisite procedural safeguards including the right to a fair hearing by an independent court, the presumption of innocence, the minimum guarantees of defence and the right to review by a higher court. National justice systems should not treat some criminals more leniently than others simply because they had children.

52. His delegation also had a reservation about paragraph 25, as agreement had not yet been reached on the framework for the human right to safe drinking water and sanitation.

53. More discussion of children's right to be heard was needed. A distinction should be drawn between listening to children's perspectives and their participation in policy-making as mentioned in paragraph 12. Primary health care and the acknowledgement of parents' primary responsibility in children's upbringing and development had not received enough attention in the text. Guidance on such matters could be found in article 12, paragraph 1 and articles 18 and 24 of the Convention on the Rights of the Child.

54. **Mr. Escalante Hasbún** (El Salvador) said that his delegation was concerned about the reference in paragraph 24 (c) to the provision of sexual and reproductive health services to children. Such services should be available only to those over the age of 15, who were defined by his delegation as adolescents subject to different legal and public policy considerations from children. El Salvador had not sponsored Human Rights Council resolution 22/32 because of similar reservations about such services.

55. To demonstrate its solidarity with the members of the Group of Latin American and Caribbean States, its support for the rest of the content of the draft resolution, and the good faith prevailing between the Group of Latin American and Caribbean States and the European Union, his delegation had decided to remain a sponsor of the draft resolution, but insisted that paragraph 24 (c) should not prevail over the Convention on the Rights of the Child or his Government's Act on the Comprehensive Protection of Childhood and Adolescence.

56. **Ms. Robl** (United States of America) said that although family unity was important and the international community should take steps to ensure that children did not become heads of household or remain in contact with only one parent, immigration restrictions should be taken into consideration where families were separated by national borders. Governments had a critical role in supporting and protecting children, but the primary role of the family should be preserved.

57. Too many young people lacked access to sexual and reproductive health services, including sex education, because of country policies or the attitudes of health providers. Her delegation believed in the goals set out in the Programme of Action adopted at the International Conference on Population and Development, held in Cairo in 1994, in which it was recognized that women and young people should be able to attain the highest standard of sexual and reproductive health in order to realize their full potential. The international community should make sexual and reproductive health services and sex education available not only to adults but also to girls and boys as their needs evolved. It should foster equal partnerships and the sharing of responsibilities among family members, including in sexual and reproductive matters.

58. The text's requirement that life imprisonment without the possibility of release should not be imposed on those under 18 was not an obligation under customary international law but a reflection of treaty obligations which her Government had not undertaken. Her delegation's support for the consensus on the draft resolution did not imply that States must become parties to human rights instruments to which they were not parties or implement obligations under such instruments. It did not recognize the establishment of new rights which it had not previously recognized, the expansion of the coverage of existing rights or any change in international law. She recalled her Government's previous positions on economic, social and cultural rights. Her delegation understood the reaffirmation of prior documents in the draft resolution to apply only to States which had previously affirmed those documents.

59. While recognizing that the main sponsors had intended to create a comprehensive draft resolution, her delegation urged them to produce a more streamlined text at the sixty-ninth session of the General Assembly.

60. **Ms. Su'ikno** (Indonesia) said that her delegation had reservations about paragraphs 24 (c) and 39. The protection of children should be approached in a focused and careful manner, with the best interests of

the child in mind. While sexual and reproductive health services were important in upholding the right to the highest attainable standard of physical and mental health and the right of peaceful assembly in the spirit of freedom of expression, the provision of such services to children was a sensitive matter. As the family was the foundation of society and development, child protection should be achieved through the strengthening of the family's role. Her delegation could not support the references in the text to the provision of sexual and reproductive health services to children because measures related to children's rights should be taken in line with the principle of age-appropriateness and under the close guidance of parents or legal guardians.

61. Her delegation was also concerned by the way in which concepts and paragraphs had been introduced into the text with no regard for transparency or genuine dialogue.

62. **Ms. Ali** (Bahrain), speaking on behalf of the Cooperation Council for the Arab States of the Gulf, said that the States members of the Council had developed policies to promote the rights enshrined in the Convention on the Rights of the Child. Her Government provided children with all forms of protection and combated all forms of violence against them. With regard to the draft resolution, the Committee should take account of specific national and regional characteristics and historical, cultural and religious backgrounds. Her delegation's position on the resolution would respect the sovereign rights of States, domestic law and relevant human rights obligations under international law.

63. **Ms. Abdullah** (Iraq) said that her Government provided universal free education and health care to the citizens of Iraq. Her delegation had reservations about paragraphs 8, 9 (d), 23 (c) and 26, which called on States to provide sexual and reproductive health education to children, as such education conflicted with her nation's values.

64. **Ms. Khvan** (Russian Federation) said that her delegation had joined the consensus but had not joined the sponsors of the draft resolution because it was concerned about the main sponsors' failure to take into account the proposals and conclusions of other delegations, a failure which had complicated the negotiations and had threatened the adoption of the draft resolution by consensus. No State or group could have a monopoly on the expression of the international community's position. The main sponsors, however, had been more interested in ensuring that their own view of the rights of the child was reflected in the text than in garnering the comprehensive support enjoyed by the draft resolution in previous years. That radical approach had led to polarization, politicization and the loss of sponsors and supporters.

65. Her delegation was also concerned by the last-minute introduction of a new concept which required further work and had not been discussed during the consultations. It would therefore consider that issue further before the submission of the text to the General Assembly. To sponsor a draft resolution was not only a right but a responsibility, as such documents, once adopted, belonged to all Member States and must therefore reflect the considerations and vision of all countries. Her delegation hoped that in future the main sponsors would take a more balanced approach to the preparation of draft resolutions, by heeding a range of views and experience in the promotion of children's rights.

66. **Ms. Vadiati** (Islamic Republic of Iran) said that her delegation had joined the consensus on the draft resolution but wished to disassociate itself from paragraphs 9 (d), 23 (c), 26, 38 bis and 55, which did not contain agreed language and would not be in children's best interests. Parents had the right to decide on the education and health-care services provided to their children.

67. **Ms. Al-Temimi** (Qatar) said that, with regard to paragraph 54, her Government gave a high priority to the interests of children and families. Capital punishment was a criminal matter par excellence and should therefore be addressed in the context of State sovereignty and in accordance with domestic legislation.

68. **Ms. Anjum** (Bangladesh) said that the Governments of developing countries were making every effort to meet their children's dire need for food, basic education and health care, clothing, housing and shelter, but were disappointed by the tendency in the draft resolution to focus instead on controversial and sensitive issues. Her delegation hoped that in future the main sponsors would ensure that the draft resolution served the needs of children from all cultural and religious backgrounds.

69. **Ms. Li** Wei (Singapore) said that the main sponsors had expressed the view that a comprehensive

draft resolution was preferable to a proliferation of draft resolutions on the rights of the child. Her delegation was therefore disappointed that they had not engaged more with the Committee's membership. The negotiations had lacked transparency and the valid concerns of Member States had not been taken into consideration. Paragraph 24 (c) had been introduced at a late stage, giving delegations little time to improve the text. With regard to paragraph 25, the human right to safe drinking water and sanitation was the subject of a separate draft resolution, sponsored by her delegation; Member States could easily have arrived at agreed language on the matter. As psychologists agreed that any voluntary or involuntary parental absence or neglect negatively affected children's development, her delegation was dissatisfied with the focus on the death penalty in paragraph 54, which begged the question of whether the main sponsors were more interested in highlighting that separate matter than in addressing the broader problem of parental absence. Her Government dealt holistically with such absence, training teachers in basic counselling skills to identify children who required special help and deploying counsellors in all schools to intervene more extensively where required.

70. **Ms. Abubakar** (Libya) said that Libya was a party to the Convention on the Rights of the Child and had always emphasized the need for those rights to be respected through national legislation. Her Government was committed to honouring its international obligations related to children's rights. The family in Libya played the primary role in the protection and raising of children with respect for national religious and cultural values. Her delegation therefore had reservations about all references in the draft resolution to reproductive and sexual health, to sex education for children and to capital punishment, which was a sovereign right of States. It was dismayed by the efforts of certain delegations to include in the Committee's draft resolutions non-consensual concepts and elements which had not been recognized as rights in international instruments, in an attempt to impose them at the international level. Her delegation hoped that Libya's complete respect for all societies, cultures and religious and social beliefs would be reciprocated.

71. **Mr. Elbahi** (Sudan) said that his delegation had reservations about the way in which the negotiations on the draft resolution had been facilitated and hoped that in future all delegations would respect the Committee's agreed practice. Member States' different cultural and religious backgrounds should not compromise consensus at the United Nations, and resolutions should reflect the concerns of all States.

72. The fact that his delegation had joined the consensus on the draft resolution should not be interpreted as acceptance of the entire text. His delegation had reservations about the explicit and implicit references to sexual and reproductive health, which were incompatible with the subject of the draft resolution, namely the promotion and protection of the rights of the child; to the use of the word "gender", in particular in paragraph 23 (a), to mean anything other than male and female; and to the reference in paragraph 24 (c) to health-care services and comprehensive, evidence-based education on sexual and reproductive health. The text should have given the family a more prominent role in raising children and protecting their rights, and should have taken into consideration States' specific characteristics and national laws, including those on capital punishment. His delegation had a reservation about the references in paragraphs 34 and 60 (e) to the International Criminal Court, of which not all States Members of the United Nations were members and whose approach was characterized by politicization and double standards. His delegation had expected that a full consensus could be reached on such a topic, despite the differing views of delegations.

73. **Mr. Al-Awadhi** (Yemen) said that Yemen had been one of the first countries to ratify the Convention on the Rights of the Child and its Optional Protocols. His Government was cooperating with international organizations and civil society on the matter. It was establishing a national observatory to monitor violations of children's rights in cooperation with the United Nations Children's Fund (UNICEF).

74. The national laws, customs, habits and religious and cultural beliefs of Member States should be protected. His delegation thus regretted the failure to take into account States' positions and the lack of transparency during the negotiations on the draft resolution, which contained many controversial terms and which his Government would address on the basis of its national policies and international commitments.

75. **The Reverend** Justin **Wylie** (Observer for the Holy See) said that a consistent ethic of life should have been reflected in the draft resolution. The phrase "sexual and reproductive health", in particular when it was misconstrued as including recourse to abortion,

was a threat to human life and did nothing to protect children's rights. In accordance with article 24 (d) of the Convention on the Rights of the Child, to which his delegation was a State Party, children had the right to pre- and post-natal health care. That provision would be meaningless unless the unborn child had the right to life and survival. That logic was compatible with the definition of a child found in article 1 of the Convention, which contained the terminus ad quem of 18 years of age and the terminus a quo implicit in the reference in the ninth preambular paragraph to the need for children to be legally protected both before and after birth. Unborn children were thus not a subcategory of human beings and they had the right to be born.

76. With regard to paragraph 24 (c) of the draft resolution, the Holy See's reservations concerning the wording were set out in the report of the International Conference on Population and Development, held in Cairo in 1994 (A/RES/49/128), which expressly negated the creation of new rights through the phrase "sexual and reproductive health" and asserted that abortion could never be a means of family planning, and the report of the Fourth World Conference on Women, held in Beijing in 1995 (A/CONF.177/20/Rev.1). The Convention on the Rights of the Child accorded parents a right prior to that of the State or any other actor to decide on the education and upbringing of their children, including in religion, morals, sexuality, marriage and the family. That right was concomitant with parents' right to freedom of religion, enshrined in article 14 of the Convention. In accordance with the International Covenant on Economic, Social and Cultural Rights, parents had the right to ensure that their children's religious and moral education was provided in conformity with their own convictions; the draft resolution could not derogate from international law in that respect. His delegation shared the concerns expressed by various delegations regarding the family's unique status in international law.

77. The informal negotiations had been characterized not by the Committee's long-standing practice of multilateral consensus-building but by a reluctance to issue compilation drafts reflecting the views of all States, inadequate consultation and a refusal to engage with views differing from those of the sponsors. The presentation of previously unseen and highly controversial new language at the last stage of the consultations boded ill for transparency at an institution founded on multilateral diplomacy designed to achieve consensus. His delegation understood the word "gender" to mean male and female only, in accordance with customary and general usage.

78. **Ms. Smaila** (Nigeria) said that her delegation's objection to the use of the word "rights" in sexual and reproductive health was well documented. It had consistently objected to discussion of the matter by the Committee because of a lack of consensus regarding the issue's ramifications and its possible use to establish obligations which ran counter to her Government's views.

79. Her delegation disassociated itself from the growing tendency, thrust upon the Committee by certain interest groups, to introduce into debates matters related to certain practices and lifestyles which had no bearing on human rights but were liable to undermine the dignity and worth of the human person. That tendency could undermine the foundation of society by destroying customs, traditional values, religious beliefs and the family structure. The United Nations should not be a forum for the propagation of so-called new rights which enjoyed no respectability, universal consensus or legal support. States had a sovereign right to interpret treaties in the light of their domestic realities, in particular customary, judicial and religious outlooks. They should not be forced to accept obligations which conflicted with national law or which they could not implement because those obligations conflicted with their people's values.

80. References to sexual and reproductive health in accordance with consensus language should be maintained in all United Nations documents except those related to children. The Convention on the Rights of the Child made no mention of the provision of such health services for children, and they should not therefore be included in the draft resolution. The international community was responsible for maintaining the sanctity of children's future by preserving their innocence, which gave them a freedom which they were entitled to enjoy. As parents had the right and responsibility to make health-care decisions for their children, her delegation opposed the undermining of parental authority and family autonomy in the provision of guidance to children, understanding the word "family" to mean a basic social unit consisting of parents — man and woman — and their children. It had reservations about the references to sexual and reproductive health in paragraphs 9 (d) and 24 (c); to sex education in paragraph 24 (c); and to

education on sexual and reproductive health and health-care services for children in paragraph 26.

81. **Ms. Mwaura** (Kenya) said that the investigation, prosecution and punishment of those who violated children's rights should be conducted in accordance with national laws and was a primary responsibility of the State. The draft resolution, however, contained no recognition of that principle or of the limited scope of the crimes which would fall under the jurisdiction of the International Criminal Court, mentioned in paragraph 63, which could be interpreted as giving the Court universal jurisdiction over all violations of children's rights and international humanitarian law related to children. Her delegation therefore had a reservation about paragraph 63.

82. **Ms. Abdulbaqi** (Saudi Arabia) said that her delegation had reservations about the implicit and explicit references to sexual and reproductive health and sex education in the draft resolution; and about paragraph 24 (c).

83. **Mr.** Diyar **Khan** (Pakistan) said that, given the cultural and religious background of Pakistan, his delegation had reservations about paragraphs 24 (c) and 54, the implementation of which would be subject to national law.

Agenda item 64: Report of the Human Rights Council (*continued*) (A/C.3/68/L.75 and A/C.3/68/L.77)

Draft resolution A/C.3/68/L.75: Report of the Human Rights Council

84. **The Chair** said that the draft resolution had no programme budget implications.

85. **Ms. Sharma** (Secretary of the Committee) said that the Russian Federation had become a sponsor of the draft resolution.

86. **Mr. Messone** (Gabon), speaking on behalf of the Group of African States, said that the draft resolution was designed to allow further consideration of Human Rights Council resolution 24/24 on cooperation with the United Nations in human rights, which had serious ramifications for the relationship between the Council and the General Assembly, the Committee and other United Nations bodies. In considering that critical procedural matter, which affected the Council's mandate and binding decisions taken in the name of United Nations entities, paragraphs 2 and 3 had been inserted to allow further consultations on the feasibility of a system-wide senior focal point on reprisals and intimidation related to cooperation with the United Nations; the need for the experience of other United Nations mechanisms in the area, including the challenges they faced and their good practices, to be taken into account before the focal point was designated; the mandate of the 47 members of the Council to designate a focal point for all United Nations bodies; and the focal point's implications for the Council's institution-building package.

87. In line with the principles of genuine and constructive dialogue and cooperation, the Group had consulted intensively with other regional groups to decide on a way forward, resulting in the amendment contained in document A/C.3/68/L.77. After the negotiations, to the Group's surprise, the main sponsors of the amendment had also submitted a declaration by the Chair of the Committee. The Group was not satisfied with the proposals and was therefore calling for a vote on the amendment.

88. **The Chair** drew attention to the amendment to draft resolution A/C.3/68/L.75 contained in document A/C.3/68/L.77, and noted that the amendment contained no programme budget implications.

89. **Ms. Kazragienė** (Lithuania), speaking on behalf of the European Union and the other main sponsors of the amendment, said that those delegations were seriously concerned about the draft resolution. Additions had been made to the text approved by consensus at the sixty-seventh session of the General Assembly. Since the establishment of the Human Rights Council, an understanding of its relationship with the General Assembly had emerged, had been institutionalized by the review of the Council's work and functioning and had been enshrined in General Assembly resolution 65/281. It was the Committee's responsibility to consider the Council's recommendations, providing that they were contained in Council resolutions which called on the General Assembly to take action either explicitly or by virtue of their standard-setting nature. That was not the case of Council resolution 24/24, however, and representatives of almost 60 countries had therefore signed a letter expressing their concern about the draft resolution. As the main sponsors of the draft resolution had shown no flexibility or willingness to discuss the matter during informal consultations, an amendment had been tabled. The architecture of the United Nations human rights system, which had been approved by all Member States, should be respected. The adoption of the

draft resolution would have unforeseeable consequences for Council resolutions. Those delegations therefore opposed the inclusion of paragraphs 2 and 3 and called on all Member States to support the amendment.

90. **Ms. Sharma** (Secretary of the Committee) said that Albania, Australia, Iceland, Liechtenstein, Mexico, Montenegro, New Zealand, Norway, the Republic of Korea, Switzerland and Turkey had joined the sponsors of the amendment.

91. **Mr. Messone** (Gabon), speaking on behalf of the Group of African States, reiterated the Group's request for a vote on the amendment contained in A/C.3/68/L.77.

92. **The Chair** said that a recorded vote had been requested on the amendment.

93. **Mr. Tommo Monthe** (Cameroon) said that the Group of African States had been neither closed nor inflexible during the lengthy consultations on the draft resolution but had discussed possible solutions until a late stage. The accusation that the Group intended to undo the work of the Human Rights Council or to violate an established procedure was false. As the Council was a subsidiary body of the General Assembly, the General Assembly could consider not only Council recommendations but any other aspect of the Council's report which Member States deemed relevant, without undermining the human rights architecture or contravening the General Assembly's own rules.

94. Far from rejecting Council resolution 24/24, the Group was acknowledging its importance and proposing that action on it should be deferred to allow broader consultation by the General Assembly, not over an indefinite period but before the end of the sixty-eighth session. As mechanisms for monitoring human rights questions already existed, including the Council itself, and as the United Nations High Commissioner for Human Rights could, through administrative channels, appoint a member of her Office to consider any human rights matter, the establishment by the General Assembly of a focal point for the prevention of reprisals and intimidation related to cooperation with the United Nations would be unnecessary unless those proposing it had a hidden agenda. In procedural terms, the amendment could in fact be viewed as an entirely new text. It would torpedo the Group's proposal that the General Assembly should examine the designation of the focal point in depth and take a decision in full knowledge of the facts, and would thus foreclose further discussion. The Group could not accept the amendment, which was completely incompatible with its draft resolution.

95. **Ms. Riley** (Barbados), speaking in explanation of vote before the voting, said that the practice of the Human Rights Council was to refer certain of its resolutions and decisions to the General Assembly for consideration and possible action. It had been suggested that General Assembly resolution 65/281 allowed the General Assembly to consider decisions of the Council only where the Council specifically requested it to do so. Even a cursory examination of resolution 65/281, however, revealed that the General Assembly had agreed to no such arrangement. Indeed, it was impossible to imagine the General Assembly deciding to limit its ability to act upon the decisions and resolutions of one of its subsidiary bodies. Moreover, it was already the practice of delegations to the Committee to consider Council resolutions to which the attention of the General Assembly had not specifically been drawn. As the General Assembly had allocated consideration of the Council's report to both itself and the Committee, no procedural barrier existed to the General Assembly considering the report. Neither practice nor procedure, therefore, prevented the General Assembly from taking the action contained in paragraphs 2 and 3 of the draft resolution.

96. The draft resolution would allow the General Assembly to consider Human Rights Council resolution 24/24, which requested the Secretary-General, in cooperation with the United Nations High Commissioner for Human Rights, to designate a senior focal point to prevent reprisals against persons cooperating with the United Nations. Such reprisals could never be justified and international consideration should be given to measures to prevent them. It was unclear, however, whether the Council's request fell within its mandate as described in General Assembly resolution 60/251. Given the importance of the matter and the impact it would have on the United Nations system, it would have been more appropriate for the Council to bring the draft resolution to the attention of the General Assembly. Only 31 of the Council's 47 members had voted in favour of its resolution 24/24; given the lack of consensus within a body with such limited membership, the resolution should be further considered by the General Assembly. Her delegation would therefore vote against the amendment.

97. *At the request of the representative of Gabon, a recorded vote was taken on the amendment contained in document A/C.3/68/L.77.*

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Tunisia, Uganda, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.

Abstaining:

Bahamas, Bahrain, Brazil, Brunei Darussalam, Dominican Republic, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Nepal, Oman, Papua New Guinea, Qatar, Saint Kitts and Nevis, Trinidad and Tobago, United Arab Emirates, Viet Nam, Yemen.

98. *The amendment contained in document A/C.3/68/L.77 was rejected by 76 votes to 74, with 18 abstentions.*

99. **Mr. Fiallo** (Ecuador) said that his delegation's position on the draft resolution did not prejudge the content of Human Rights Council resolution 24/24. However, it agreed with the arguments of the Group of African States and had voted against the draft resolution.

100. **Ms. Li** Wei (Singapore) said that, in accordance with General Assembly resolution 60/251, the Human Rights Council was a subsidiary organ of the General Assembly and reported to it. General Assembly resolution 65/281 reaffirmed that relationship and continued the practice of allocating the agenda item on the report of the Council to the General Assembly and to the Committee. Her delegation therefore had no procedural concerns about paragraphs 2 and 3 of the draft resolution but felt that Council resolution 24/24 should be further discussed by the General Assembly because so many Member States were concerned about it. Recommendations of the Council should not be considered as automatically accepted by and binding on the General Assembly. Her delegation had therefore voted against the amendment.

101. **Ms. Cousens** (United States of America) said that her delegation was deeply disappointed by the results of the vote. It had proposed the amendment in conjunction with many other countries in order to prevent the undermining of the Human Rights Council and because it believed that the concerns of the Group of African States could be assuaged through means other than the draft resolution. The amendment had been designed only to bring the draft resolution into line with recent resolutions on the same agenda item. She urged delegations to reject paragraphs 2 and 3 by voting against the draft resolution.

102. **Mr. Sparber** (Liechtenstein) asked whether the United States of America was requesting a vote on the draft resolution.

103. **Ms. Cousens** (United States of America) said that her delegation was indeed calling for a vote on the draft resolution. It regretted the fact that the consultations had been truncated, thus making consensus impossible. It had engaged with other delegations in good faith and

would have preferred to make a final effort to reach agreement. It disagreed with certain other delegations' interpretations of the draft resolution. Although it did not take issue with the desire to facilitate further discussion of the Human Rights Council's work, the draft resolution was not a constructive means of accomplishing that objective. Despite the consensus achieved in previous years on the simple, procedural text, her delegation would vote against the present draft resolution because of paragraphs 2 and 3, and she urged other delegations to do likewise. Such paragraphs were unprecedented and it was inappropriate for Human Rights Council resolution 24/24, which included no recommendations to the General Assembly, to be singled out for consideration. Such consideration created a dangerous precedent which called into question the purpose of the Council and undermined its work by suggesting that all of its decisions were open to renegotiation by the General Assembly. Her delegation regretted the desire of some Member States to reopen the debate on Council resolution 24/24, which had been sponsored by 67 States and adopted several months previously with broad support following open and inclusive negotiations in which all States Members of the United Nations, including those who were not members of the Council, had participated. It would vote against the draft resolution and urged other delegations to do likewise.

104. **The Chair** said that a recorded vote had been requested on the draft resolution.

Statements made in explanation of vote before the voting

105. **Ms. Kazragienė** (Lithuania), speaking on behalf of the European Union, said that the European Union had serious procedural concerns about the draft resolution, and reaffirmed the mandate of the Human Rights Council as set out in General Assembly resolution 60/251 and the institutional relationship between the Council and the General Assembly as enshrined in General Assembly resolution 65/281. The Committee was not responsible for considering recommendations of the Council unless they were included in Council resolutions which specifically called upon the General Assembly to take action on a matter, either explicitly or by virtue of their standard-setting nature. Council resolution 24/24 contained no recommendations of the Council and should thus not be considered by the General Assembly. Paragraphs 2 and 3 of the draft resolution, however, ran counter to that arrangement, which had previously always been respected. Her delegation regretted that the proposed amendment to the text, which would have addressed its concerns, had not been accepted, and encouraged all delegations to vote against the draft resolution.

106. **Mr. Sparber** (Liechtenstein), speaking also on behalf of the delegations of Iceland, Norway, New Zealand and Switzerland, said that in previous years those delegations had abstained from the voting on the draft resolution because of their procedural concerns about the long-standing agreement that the Committee should consider recommendations of the Human Rights Council even though the report of the Council as a whole was considered by the General Assembly. The main sponsors of the draft resolution had aggravated those concerns by singling out for consideration by the General Assembly a specific Council resolution which did not contain a recommendation. Those delegations had therefore voted in favour of the amendment in document A/C.3/68/L.77 and would vote against the draft resolution. They had made constructive proposals designed to bring delegations together, but the main sponsors had rejected them without allowing for discussion of the substance. Those delegations could not support such a divisive approach to a matter as important as the work of the Human Rights Council.

107. **Ms. Murillo** (Costa Rica) said that the work done by the Human Rights Council on the basis of decisions by its members should be preserved. In previous years it had abstained from the voting on the draft resolution because, in accordance with paragraph 5 (j) of General Assembly resolution 60/251 and paragraph 6 of General Assembly resolution 65/281, the report of the Council as a whole should be considered by the General Assembly whereas only the recommendations should be considered by the Committee. It could not accept the new paragraphs inserted into the current version of the draft resolution, because Council resolution 24/24 contained no formal recommendations and because paragraph 2 of the draft resolution called for the consideration of the whole of resolution 24/24, not only the paragraph related to the senior focal point. The adoption of the draft resolution would have lamentable consequences as a precedent for the Council's work. An agreement addressing the concerns of the Group of African States in a form other than the draft resolution could have been achieved.

108. Her delegation regretted the fact that the extreme positions adopted within both the Group of African

States and the group of countries which had proposed the amendment in document A/C.3/68/L.77 had forced a vote on the draft resolution, which her delegation would vote against.

109. At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/68/L.75.

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cameroon, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Kenya, Kyrgyzstan, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Timor-Leste, Togo, Tunisia, Uganda, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Afghanistan, Armenia, Bahamas, Bahrain, Brazil, Dominican Republic, El Salvador, Iran (Islamic Republic of), Jamaica, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Mexico, Mongolia, Papua New Guinea, Qatar, Samoa, Syrian Arab Republic, Thailand, Trinidad and Tobago, United Arab Emirates.

110. *Draft resolution A/C.3/68/L.75 was adopted by 87 votes to 66, with 22 abstentions.*

111. **Ms. Alsaleh** (Syrian Arab Republic) said that the Syrian Arab Republic had participated in the establishment of the Human Rights Council and had always voted in favour of its decisions and resolutions. Although human rights were an integral part of her Government's foreign policy, her delegation regretted the references in the report of the Council to the situation in the Syrian Arab Republic, which were based on incorrect and one-sided media information that reflected the political intentions of certain States that were hostile to the Syrian Government and people. In none of those resolutions had the Council called for an end to the acts of the armed terrorist groups in the Syrian Arab Republic, for the disarmament of those groups or for the States providing them with financial, military and media help to stop doing so. Her Government had cooperated fully in the resolution of the political and humanitarian situation and regretted the Council's consistent refusal to positively acknowledge those efforts or to mention those groups in its reports, as well as the Council's denial of her Government's obligation under the Charter of the United Nations and the principles of international humanitarian law to oppose those groups and their supporters.

112. Her delegation had therefore abstained from voting on the draft resolution but maintained its steadfast and principled support for those recommendations of the report in which the Council condemned the Israeli settlements in the occupied Syrian Golan and in Palestine, a just cause that deserved the support of all Member States. She reaffirmed her Government's principled position against interference by any State in the affairs of other States on the pretext of defending human rights. It rejected all country-specific decisions of the Council, such as those targeting Belarus, the Democratic People's Republic of Korea, the Islamic Republic of Iran and Myanmar.

113. **Ms. Vadiati** (Islamic Republic of Iran) said that her delegation had abstained from the voting on the draft resolution not because it did not support the work of the Human Rights Council but because it disassociated itself from some resolutions and recommendations in the Council's report, in particular the resolution on the Islamic Republic of Iran, which were motivated by politicized objectives going well beyond those of the Council. The adoption of selective and unfair country-specific resolutions and the manipulation of the United Nations human rights machinery was a "name and shame" tactic which would undermine the credibility and legitimacy of that machinery, in particular the Human Rights Council.

114. **Mr. Lazarev** (Belarus) said that his delegation condemned the adoption by the Human Rights Council of a politicized resolution on human rights in Belarus, which was a compilation of biased and unsupported facts presented as assessment and extended the mandate of the Special Rapporteur on the situation of human rights in Belarus. The aim of the sponsors had been to exert pressure on Belarus and penalize it for taking its own developmental path. The adoption of the resolution by a minority of members of the Council had demonstrated that the resolution did not reflect the views of the international community. The establishment of the Special Rapporteur's post had violated the terms of the Council's institution-building package, which had been endorsed by the General Assembly.

115. The adoption of country-specific resolutions based on biased interpretations of human rights situations by groups of States that had assumed the role of human rights mentors devalued the role and functions of the Council and the universal periodic review, which was the appropriate mechanism for assessing the human rights situation in all countries. His delegation reiterated its fundamental objection to country-specific resolutions as a means of exerting political pressure on sovereign States. Constructive dialogue was essential to the promotion of human rights and fundamental freedoms.

116. Regrettably, the Council was following the erroneous path which had led to the abolition of the discredited United Nations Commission on Human Rights. The current situation with respect to the resolution just adopted was yet another instance of the Council's controversial working methods, under which decisions disputed by many States and supported by few could be adopted by a simple majority vote if others, for one reason or another, refrained from openly expressing their positions.

117. His delegation shared the justified concerns of States about Council resolution 24/24, and had therefore voted against the proposed amendment to the draft resolution. However, in view of its opposition to the politicization of the Council and the Council's politically motivated resolution on the situation of human rights in Belarus, his delegation had also voted against the draft resolution.

118. **Ms. Al-Mulla** (Qatar) said that her delegation had supported the Group of African States during the consideration of Human Rights Council resolution 24/24 because it believed that Member States had the right to further discuss matters of concern to them through the established United Nations rules of procedure. The draft resolution, however, reopened negotiations on a resolution that had already been adopted by the Council, of which her delegation was a member, thus potentially undermining the Council. As a matter of principle, therefore, her delegation had abstained from the voting on the draft resolution.

119. **Ms. Walker** (Canada) said that parts of the report of the Human Rights Council, including the provisions on the elimination of violence against women; child, early and forced marriage; and freedom of religion or belief, were evidence of progress in the Council's work. However, the report should be considered not by the Committee, but by the General Assembly. Her delegation was concerned at the Council's disproportionate focus on the Middle East, in particular its resolution on the independent international fact-finding mission on the Gaza conflict, which singled out one party as being at fault.

120. Her delegation opposed paragraphs 2 and 3 of the draft resolution, the adoption of which had undermined the consensus reached within the General Committee on the division of work on the report of the Human Rights Council between the General Assembly and the Third Committee. It had therefore voted against the draft resolution.

121. **Mr. Kumar** (India) said that reprisals against and intimidation of those cooperating with the United Nations must be effectively addressed, and his delegation had therefore been disappointed by the Human Rights Council's failure to take a unified stand on the matter by adopting resolution 24/24 by consensus. The proposal in that resolution for a United

Nations-wide senior focal point should have been considered by the General Assembly rather than the Council, which, as a subsidiary body, was not competent to decide on the establishment of a mechanism which would engage with United Nations entities not primarily related to human rights. Although certain delegations had argued that the Committee was creating a precedent by reopening the debate on a decision already adopted by the Council, his delegation saw no procedural constraints in that regard; indeed, the fundamental problem was the Council setting a precedent by acting on proposals which did not fall under its remit. His delegation was not seeking to avoid the implementation or consideration of Council resolution 24/24 and was ready to engage with other partners to reach consensus.

122. **Mr. Ruidiaz** (Chile) said that his delegation had voted against the draft resolution because of the negative precedent it set for the Human Rights Council's role in the promotion and protection of human rights. The marked divisions that had emerged within the Committee did not bode well, and the unlimited reconsideration of resolutions adopted by the Council respected neither the letter nor the spirit of the institution-building package established by the Council and its review.

123. **Ms. Diaz Gras** (Mexico) said that her delegation regretted the vote on the draft resolution, which various delegations had made efforts to avoid with a view to achieving consensus. The senior focal point mentioned in Human Rights Council resolution 24/24 would have been more effective if it had received more support, particularly given the system-wide scope of its work. Any future attempts to postpone the implementation of Council decisions for procedural reasons would be a negative development not contemplated in the agreement established through General Assembly decision 65/503 and institutionalized through General Assembly resolution 65/281. The draft resolution should not set a precedent for the future.

124. **Mr. Hetesy** (Hungary) said that his delegation was deeply disappointed by the adoption of the draft resolution, which would prevent the timely implementation of Human Rights Council resolution 24/24. That resolution had been adopted following a transparent and inclusive process comprising many preparatory meetings and open informal consultations, during which all Member States had had the opportunity to discuss it. Resolution 24/24 had been adopted with no votes against it and with the cross-regional sponsorship of 67 countries. The Council had been acting well within its mandate when it requested the Secretary-General to appoint the system-wide focal point. The draft resolution, however, established a dangerous precedent in that the Committee had never previously decided to reopen the debate on a Council resolution that contained no recommendations to the General Assembly. It created uncertainty by disregarding the well-established institutional architecture of the United Nations human rights system, generated tension between United Nations Headquarters in New York and the United Nations Office at Geneva, and undermined the protection and promotion of human rights by jeopardizing the Council's role.

125. His delegation had not wanted a vote on the draft resolution and had sought consensus. It regretted the lack of effort by the sponsors to reconcile differences, to engage in open, informal discussions or to take into consideration the concerns and proposals of a cross-regional group of Member States before the draft resolution was tabled.

126. Many delegations had mentioned the need for open consultations involving all Member States, begging the question of why no such consultations had been held on the draft resolution. His delegation had voted against the draft resolution but not against the Council as a body. On the contrary, by voting against the draft resolution, it was defending the Council's authority. It hoped that the vote on the draft resolution in the General Assembly would uphold the integrity of the report and of the Council itself. Failing that, his delegation would engage in the discussions to ensure that the focal point was appointed swiftly so that people could cooperate with human rights bodies without fear of reprisals.

127. **Mr. Fiallo** (Ecuador) said that his delegation's vote on the draft resolution did not prejudge its position on the content of Human Rights Council resolution 24/24 or on any of the resolutions contained in the report of the Council, whose work it held in high regard.

128. **Mr. Tommo Monthe** (Cameroon) said that his delegation had been at the forefront of the elaboration of the draft resolution, which had been approved with the support of 87 delegations. Despite the claims of the main sponsors of the amendment contained in document A/C.3/68/L.77, that amendment would have prevented further debate on the establishment of the senior focal point on reprisals and intimidation, whereas the draft resolution left the door open to

further discussion during the sixty-eighth session, allowing all opinions to be taken into account and collective wisdom to prevail. The Group of African States would make constructive proposals during the consultations with a view to producing a compromise text that would reflect the views of all Member States. It was the Chair's role to ensure that all Member States were equally satisfied with the text.

Agenda item 69: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/68/L.64/Rev.1, A/C.3/68/L.80, A/C.3/68/L.81, A/C.3/68/L.82, A/C.3/68/L.83, A/C.3/68/L.84, A/C.3/68/L.85, A/C.3/68/L.86, A/C.3/68/L.87, A/C.3/68/L.88, A/C.3/68/L.89, A/C.3/68/L.90 and A/C.3/68/L.91)

Draft resolution A/C.3/68/L.64/Rev.1: Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders

129. **The Chair** said that the draft resolution had no programme budget implications.

130. **Ms. Sharma** (Secretary of the Committee) said that Costa Rica and Monaco had become sponsors of the draft resolution.

131. **Mr. Pedersen** (Norway) said that women human rights defenders faced grave violations of their rights. At its sixty-sixth session, the General Assembly had expressed concern about the difficult situation of human rights defenders, who faced threats, attacks and intimidation which could never be condoned or pardoned. Governments were not obliged to agree with human rights defenders but must allow them to speak and must enable open debate in society. They should protect women human rights defenders without discrimination and with respect for such defenders' fundamental freedoms and human rights. The draft resolution set out the particular vulnerabilities of such defenders and called on States to address their situation and protect them.

132. Reading out oral sub-amendments to the amendments contained in documents A/C.3/68/L.80, A/C.3/68/L.81, A/C.3/68/L.82, A/C.3/68/L.83, A/C.3/68/L.84, A/C.3/68/L.85, A/C.3/68/L.86, A/C.3/68/L.87, A/C.3/68/L.88, A/C.3/68/L.89, A/C.3/68/L.90 and A/C.3/68/L.91, he said that Andorra, Israel, Palau, the Republic of Korea, the Republic of Moldova and Ukraine had become sponsors of the draft resolution.

133. **Ms. Sharma** (Secretary of the Committee) said that Afghanistan was no longer a sponsor of the draft resolution, and that Malta and San Marino had become sponsors.

134. **Ms. Mballa Eyenga** (Cameroon), speaking also on behalf of the main sponsors of the amendments contained in documents A/C.3/68/L.80, A/C.3/68/L.81, A/C.3/68/L.82, A/C.3/68/L.83, A/C.3/68/L.84, A/C.3/68/L.85, A/C.3/68/L.86, A/C.3/68/L.87, A/C.3/68/L.88, A/C.3/68/L.89, A/C.3/68/L.90 and A/C.3/68/L.91, said that those delegations were committed to protecting women human rights defenders and condemned the harassment and insecurity they faced in their work. She requested a suspension of the meeting to allow those delegations to consider the oral sub-amendments proposed by the representative of Norway.

135. *The meeting was suspended at 8.30 p.m. and resumed at 8.55 p.m.*

136. **Mr. Sjøberg** (Norway) said that Chile, Georgia, Haiti, the Maldives, the Marshall Islands and Panama had become sponsors of the draft resolution.

137. **Ms. Mballa Eyenga** (Cameroon), speaking on behalf of the main sponsors of the amendments contained in documents A/C.3/68/L.80, A/C.3/68/L.81, A/C.3/68/L.82, A/C.3/68/L.83, A/C.3/68/L.84, A/C.3/68/L.85, A/C.3/68/L.86, A/C.3/68/L.87, A/C.3/68/L.88, A/C.3/68/L.89, A/C.3/68/L.90 and A/C.3/68/L.91, said that those delegations would withdraw all of those amendments and join the consensus on the draft resolution if the thirteenth preambular paragraph, as orally revised, was deleted. However, they would have preferred all of the amendments, particularly those contained in documents A/C.3/68/L.83, A/C.3/68/L.85 and A/C.3/68/L.89, to be included in the text.

138. **The Chair** took it that the Committee wished the amendments contained in documents A/C.3/68/L.80, A/C.3/68/L.81, A/C.3/68/L.82, A/C.3/68/L.83, A/C.3/68/L.84, A/C.3/68/L.85, A/C.3/68/L.86, A/C.3/68/L.87, A/C.3/68/L.88, A/C.3/68/L.89, A/C.3/68/L.90 and A/C.3/68/L.91 to be withdrawn.

139. *It was so decided.*

140. **Mr. Sjøberg** (Norway) said that the thirteenth preambular paragraph of the draft resolution should be deleted.

141. **Mr. Gilroy** (Ireland) and **Ms. Nilsson** (Sweden) said that in the light of the deletion of the thirteenth preambular paragraph their delegations were no longer sponsors of the draft resolution.

142. **Ms. Sharma** (Secretary of the Committee) said that Albania, Andorra, Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Poland, Portugal, the Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom were no longer sponsors of the draft resolution.

143. *Draft resolution A/C.3/68/L.64/Rev.1, as orally revised, was adopted.*

144. **The Chair** said that as the meeting had continued far beyond the scheduled time, the interpreters would have to leave. He took it that the Committee agreed to continue in English only.

145. *It was so decided.*

146. **Ms. Kazragienė** (Lithuania), speaking on behalf of the European Union, said that the European Union regretted the high price paid for consensus on the draft resolution. The thirteenth preambular paragraph had been a vital part of the carefully crafted text approved by consensus at the sixty-seventh session of the General Assembly. The Vienna Declaration and Programme of Action reaffirmed that Governments were primarily responsible for the promotion and protection of human rights and fundamental freedoms, which were the birthright of all human beings and were universal, indivisible and interdependent. No hierarchy of rights existed. Although the religious, ethical, cultural and philosophical convictions of individuals and communities should be respected, they could not be used to justify human rights violations. The resolution was designed to clarify the particular violations suffered by women human rights defenders, often at the hands of State and non-State actors that considered them to be jeopardizing religion, honour or culture through their work.

147. **Mr. Cabouat** (France), speaking on a point of order, said that it was unacceptable that the Committee had been unable to provide interpretation into the six official languages of the United Nations for the duration of the meeting.

148. **Ms. Ortigosa** (Uruguay), speaking also on behalf of the delegations of Argentina, Colombia, Costa Rica, El Salvador, Guatemala, Mexico, Panama and Peru, said that those delegations had remained sponsors of the draft resolution even though it fell well short of their expectations, because issues related to women human rights defenders were of great importance and should be discussed at future sessions of the General Assembly with a view to improving the text.

149. **Ms. Robl** (United States of America) said that her delegation applauded the courage of women human rights defenders around the world in the face of threats and harassment. Their freedom of association and expression was often unduly restricted and they often suffered physical abuse and gender-based violence. States were responsible for providing an enabling environment for human rights defenders in civil society. Her delegation was concerned about the misuse of laws regulating civil society organizations in order to target human rights defenders; stressed the vital role of journalists in defending human rights; and welcomed the recommendation in the draft resolution that States should acknowledge the role of women human rights defenders in the promotion and protection of human rights, democracy, gender equality and the rule of law. Such acknowledgement entailed the public condemnation of violence and discrimination against women human rights defenders. States must honour their human rights obligations, including those relating to non-discrimination, if they were to prevent threats, harassment and violence, including gender-based violence, against women human rights defenders.

150. **The Reverend** Justin **Wylie** (Observer for the Holy See) said that few delegations were more committed to the promotion and protection of human rights than the Holy See and its institutions all over the world in areas including education and health care, which were staffed mostly by women. His delegation was therefore concerned by efforts to undermine the advancement of women through creeping insinuations in the Committee's resolutions that the concept of gender equality referred to additional identified or unidentified groups. At one stage, 17 expressions of gender theory had been mentioned in the draft

resolution. His delegation rejected that disingenuous approach and regretted any attempt to erode efforts to achieve women's equality by subverting them for the benefit of other groupings. Matters important enough to merit the Committee's attention should be addressed openly and honestly; delegations should not use constructive ambiguity as a pretext for resorting to pure nominalism by speaking at cross purposes.

151. His delegation understood the word "gender" to mean male or female only, in accordance with general and customary usage, and therefore reserved its position on the insertion of the personal opinions of the Special Rapporteur on the situation of human rights defenders, mentioned in paragraph 2 of the draft resolution. The informal negotiations had not been characterized by the Committee's long-standing practice of multilateral consensus-building. The presentation of new text derived from subsidiary bodies of the General Assembly as if it were language previously agreed by the Committee, the refusal of requests to conduct consultations on the basis of compilation drafts which reflected the views of all sovereign States and the reluctance to engage with views differing from those of the sponsors boded ill for an institution founded on multilateral diplomacy.

152. The proposed amendments to the draft resolution had represented a refreshing development in a difficult negotiation process. The Holy See unequivocally condemned all violations of the human rights and fundamental freedoms of human rights defenders and looked forward to fuller treatment under the current agenda item of all persons engaged in the advancement of human rights, in accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which could not be selectively renegotiated through a resolution of the Committee.

153. **Ms. Gunnarsdóttir** (Iceland) said that her delegation greatly regretted the deletion of the thirteenth preambular paragraph, which sent a sad message to the world and to women in particular, and represented a low point in the Committee's history.

154. **Ms. Walker** (Canada) said that women should be given the opportunity to participate in all parts of society. Women human rights defenders and people defending the rights of women and upholding equality between men and women played an important role in the promotion and protection of human rights. The example of Malala Yousafzai had reminded the international community of the power of not only women but also girls in the defence of human rights. Canada had consistently supported greater efforts in the promotion of women's rights. Her delegation welcomed the spirit of compromise which had prevailed at the current meeting.

155. **Ms. Mozolina** (Russian Federation) said that her delegation regretted the Committee's inability to provide interpretation into the six official languages of the United Nations for the duration of the meeting. It was dissatisfied with the manner in which the negotiations had been conducted. The large number of informal consultations had demonstrated the interest of all States in the subject of women human rights defenders, and delegations had made proposals with the sole intention of producing a balanced text.

156. No definition of human rights defenders existed in international law. The only agreed document was the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Her delegation therefore opposed the selective and random approach to the consensus text of that Declaration and the attempts to revise and change it on the pretext of upholding women's rights. The third preambular paragraph of the draft resolution, which recalled all previous resolutions on the subject, was very important, because the draft resolution did not constitute a precedent for the Committee's future work on human rights defenders.

157. **Ms. Ali** (Bahrain), speaking on behalf of the Cooperation Council for the Arab States of the Gulf, expressed appreciation to the delegation of Norway for its flexibility in reaching consensus on the draft resolution.

158. **Ms. Hewanpola** (Australia) said that the draft resolution included essential commitments by the international community for the protection of women human rights defenders. It was crucial to the Committee's aim of promoting and protecting human rights. Human rights defenders were among the most courageous members of society. Her delegation had therefore decided to remain a sponsor of the draft resolution. It regretted the deletion of recently agreed language condemning violence against women but attached great importance to the provisions of

paragraph 3 bis, in which States' duty to promote and protect human rights and fundamental freedoms, regardless of their political, economic and cultural systems, was recognized

159. **Ms. Furman** (Israel) said that her delegation regretted the deletion of the thirteenth preambular paragraph but had remained a sponsor, as in previous years, because of the importance of the subject.

160. **Ms. Loew** (Switzerland) said that the consensus on the draft resolution could have been achieved earlier, less controversially and more peacefully. Women human rights defenders were too often subject to threats, violence and harassment that could not be justified by customs, tradition or religion. Her delegation was therefore most concerned by the deletion of the thirteenth preambular paragraph but had nevertheless decided to remain a sponsor.

161. **The Chair** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the report of the Committee against Torture (A/68/44), the report of the Secretary-General on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/68/280), the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/68/282) and the note by the Secretary-General transmitting the report of the Chairs of the human rights treaty bodies on their twenty-fifth meeting (A/68/334).

162. He further suggested that the Committee should take note of the report of the Secretary-General on the promotion and protection of human rights, including ways and means to promote the human rights of migrants (A/68/292), the report of the Secretary-General on the right to development (A/68/185); the report of the Secretary-General on human rights in the administration of justice: analysis of the international legal and institutional framework for the protection of all persons deprived of their liberty (A/68/261); the report of the Secretary-General on the universal, indivisible, interrelated, interdependent and mutually reinforcing nature of all human rights and fundamental freedoms (A/68/224), the report of the Secretary-General on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (A/68/209), the note by the Secretary-General transmitting the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (A/68/279); the note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of migrants (A/68/283), the note by the Secretary-General transmitting the report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/68/542), the note by the Secretary-General transmitting the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context (A/68/289), the note by the Secretary-General transmitting the report of the Special Rapporteur on the right to education (A/68/294), the note by the Secretary-General transmitting the report of the Independent Expert on the promotion of a democratic and equitable international order (A/68/284), the note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence A/68/345), the note by the Secretary-General transmitting the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/68/382 and A/68/382/Corr.1), the note by the Secretary-General transmitting the report of the Special Rapporteur on the independence of judges and lawyers (A/68/285), the note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/68/297), the note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/68/362), the note by the Secretary-General transmitting the report of the Special Rapporteur on extreme poverty and human rights (A/68/293), the note by the Secretary-General transmitting the report of the Special Rapporteur on trafficking in persons, especially women and children (A/68/256), the note by the Secretary-General transmitting the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/68/299), the note by the Secretary-General transmitting the report of the Special Rapporteur in the field of cultural rights (A/68/296), the note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of internally displaced persons on the

situation of internally displaced persons in the Syrian Arab Republic (A/67/931) and the report of the Independent Expert on human rights and international solidarity (A/68/176).

163. He further suggested that the Committee should take note of the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/68/376) and the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in Belarus (A/68/276).

164. *It was so decided.*

Agenda item 122: Revitalization of the work of the General Assembly (A/C.3/68/L.79)

Draft proposal A/C.3/68/L.79

165. **The Chair** drew attention to the Committee's tentative programme of work for the sixty-ninth session of the General Assembly as contained in document A/C.3/68/L.79. He would take it that the Committee wished to adopt the tentative programme of work and transmit it to the General Assembly for approval.

166. *It was so decided.*

Completion of the work of the Third Committee

167. **The Chair** declared that the Third Committee had completed its work for the main part of the sixty-eighth session.

The meeting rose at 10.10 p.m.